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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------|------------------|
| 09/706,645 | 11/06/2000 | Dimitri Kanevsky | 13808(YOR920000454US1) | 8227 |
| 7590 | 10/24/2003 | | EXAMINER | |
| Richard L Catania Scully Scott Murphy & Presser 400 Garden City Plaza Garden City, NY 11530 | | | OUELLETTE, JONATHAN P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3629 | |
| DATE MAILED: 10/24/2003 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/706,645 | KANEVSKY ET AL. |
| | Examiner | Art Unit |
| | Jonathan Ouellette | 3629 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination

1. The Request filed on 9/8/2003 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/706,645 is acceptable and a RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. **Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewster et al. (US 5,960,337) in view of Lemelson et al. (US 6,028,514).**
4. As per independent Claims 1, 7, and 13, Brewster discloses a method (system, program storage device) of providing help to people, comprising the steps: (a) organizing a network of people and of volunteers (service provider) for helping people, each of the persons and each of the volunteers (EAS responder) having a portable, wireless communications device (abstract, C5 L25-30, C5 L51-62); (b) establishing a database having information about the volunteers, said information identifying for each of the volunteers, at least one specific disability said volunteer is willing to assist (abstract, C7

Art Unit: 3629

- L5-14), (c) at least one of the persons, using one of the wireless communications devices to transmit a request for help (abstract); and (d) matching at least one of the volunteers with said at least one of the persons by finding, through said database, one of the volunteers who is willing to assist with the specific disability, and said at least one of the volunteers receiving the request for help via one of the wireless communications devices (abstract, C4 L38-67, C5 L25-30, C5 L51-62, C7 L1-14, C8 L18-41, Claims 15-18).
- 5. Brewster fails to expressly disclose people with “disabilities” (participating subscriber) or establishing a database having information about the people with disabilities, said information identifying for each of the persons with disabilities, at least one specific disability said person has.
- 6. However, Lemelson does disclose a system for helping people with medical problems (disabilities) and establishing a database having information about the people with disabilities, said information identifying for each of the persons with disabilities, at least one specific disability said person has (abstract, C7 L40-67, C8 L1-16).
- 7. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include people with “disabilities” (participating subscriber) or establishing a database having information about the people with disabilities, said information identifying (1) for each of the persons with disabilities, at least one specific disability said person has as disclosed by Lemelson, in the system disclosed by Brewster for the advantage of offering a method (system, program storage device) of providing help to people with disabilities, with the ability to provide more direct and accurate care to the injured or disabled person, by matching them to a caretaker (volunteer) with the

Art Unit: 3629

- information and skills necessary to most efficiently and effectively help the person in need (Lemelson: abstract, C4 L29-49, C6 L7-13, C7 L40-67, C8 L1-16).
- 8. As per Claims 2, 8, and 14, Brewster and Lemelson disclose wherein step (c) includes the step of one of the persons with disabilities using one of the wireless communications devices to transmit a request for help to the network; further comprising the step of the network searching the information in the database to match one of the volunteers with said request; and step (d) includes the step of the network identifying said one of the persons with disabilities to said one of the volunteers via one of the wireless communications devices (Brewster: abstract, C4 L38-67, C5 L25-30, C5 L51-62, C7 L1-14, C8 L18-41, Claims 15-18).
- 9. As per Claim 3, 9, and 15, Brewster and Lemelson do not expressly show the volunteers providing at least one service selected from the group comprising: i) reading a newspaper or other information to a blind person, ii) translating a conversation into sign language, and iii) bringing requested items to one of the persons with disabilities.
- 10. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The method of providing help to people with disabilities would be performed regardless of the type of service/help provided. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
- 11. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the person with a disability a service comprising

Art Unit: 3629

one of the following: i) reading a newspaper or other information to a blind person, ii) translating a conversation into sign language, and iii) bringing requested items to one of the persons with disabilities, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the service does not patentably distinguish the claimed invention.

12. As per Claims 4, 10, and 16, Brewster and Lemelson disclose using a global positioning system to identify the location of said one of the persons with disabilities, and to identify one or more of the volunteers in the vicinity of said one of the persons with disabilities (Brewster: abstract, C4 L38-67, C5 L25-30, C5 L51-62, C7 L1-14, C8 L18-41, Claims 15-18).
13. As per Claims 5, 11, and 17, Brewster and Lemelson disclose wherein the step of establishing a database includes the steps of i) establishing a first database having information about the persons with disabilities, and ii) establishing a second database having information about the volunteers; and the matching step includes the step of the network searching the first and second databases to select and match volunteers and people with disabilities (Brewster: abstract, C4 L38-67, C5 L25-30, C5 L51-62, C7 L1-14, C8 L18-41, Claims 15-18) (Lemelson: abstract, C4 L29-49, C6 L7-13, C7 L40-67, C8 L1-16).
14. As per Claims 6, 12, and 18, Brewster and Lemelson disclose wherein the matching step includes the step of: using a matching server to search the people with disabilities and the volunteers to find a list of candidate volunteers and methods of help; sending a request to each of the candidate volunteers; interacting with the candidate volunteers to find a final

Art Unit: 3629

choice volunteer; and sending a final request to the final choice volunteer (Brewster: abstract, C4 L38-67, C5 L25-30, C5 L51-62, C7 L1-14, C8 L18-41, Claims 15-18) (Lemelson: abstract, C4 L29-49, C6 L7-13, C7 L40-67, C8 L1-16).

Response to Arguments

15. Applicant's arguments filed 9/8/03, with respect to Claims 1-18, have been considered but are moot in view of the new ground(s) of rejection.

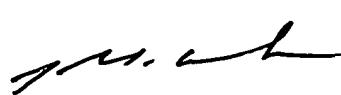
Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.

18. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.


jo
October 16, 2003


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600